

REMARKS/ARGUMENTS

Reexamination and reconsideration of this application, withdrawal of the rejection, and formal notification of the allowability of all claims as now presented are earnestly solicited in light of the above amendments and remarks that follow.

Claims 1-4 and 10-38 are pending in the application. Claims 8 and 9 have been cancelled herein without prejudice or disclaimer. Claim 10 has been amended to correct dependency. Independent claims 1, 24, and 25 have been amended to incorporate the subject matter of original claim 9. Additionally, new claims 26-38 are presented herein. New independent claim 26 is substantially similar to independent claim 1 prior to the most recent amendment, except claim 26 recites that both longitudinally extending sections of filter material are a fibrous tow material. Support for this amendment may be found throughout the specification and in the original claims, such as on pages 24-25, the appended examples, and original claims such as original claim 4. New dependent claims 27-38 are substantially identical to one or more claims originally filed in the application and are also fully supported by the specification. Accordingly, Applicants respectfully submit that no new matter is introduced by these amendments.

Applicants note with appreciation that the Examiner has indicated that the subject matter of claims 9 and 10 would be allowable if rewritten in independent form. In response, and in order to expedite prosecution, Applicants have introduced the subject matter of claim 9 into independent claims 1, 24, and 25. Thus, Applicants respectfully request reconsideration and withdrawal of all rejections as applied to those claims, and all claims dependent thereon, and formal notification of allowability of such claims.

In addition, as noted above, Applicants have submitted a new independent claim 26 that recites a filter configuration comprising two fibrous tow sections, wherein the section proximal to the tobacco rod has a greater particulate removal efficiency than the section distal from the tobacco rod. It is respectfully submitted that the new independent claim is also distinguishable from the art of record for at least the reasons set forth below.

In the two prior rejections applied in the most recent Office Action, the Examiner has relied upon U.S. Patent No. 3,400,722 to Noznick *et al.* or the combination of U.S. Patent No.

6,584,979 to Xue *et al.* and U.S. 2005/0139223 to Squires *et al.* as disclosing a filter comprising two segments, one of which has a greater particulate filtration efficiency. In the case of the Noznick reference, the Examiner relies upon a filter configuration comprising a foamed, emulsified fat filter section and a paper filter section. Obviously, the Noznick filter cannot be characterized as comprising two fibrous tow filter sections, wherein one section has a greater particulate removal efficiency than a second section. In fact, the Noznick reference does not disclose any filter configurations comprising two fibrous tow filter sections, which is presumably why the rejection based on Noznick was not applied to original claim 8.

The rejection involving the Xue patent also would not apply to new independent claim 26. The filter configuration that the Examiner alleges would result from a combination of the Xue patent with the Squires publication does not encompass the subject matter of new claim 26. The Examiner relies upon disclosure in the Squires publication of a “triple” filter having a paper section in combination with a tow filter section. Thus, the filter set forth in claim 26, which expressly recites the presence of two fibrous tow filter sections, is neither taught nor suggested by the combination of prior art references relied upon by the Examiner.

Additionally, Applicants reiterate the surprising results set forth in Applicants’ specification, which would greatly weigh against any obviousness rejection presented by the Examiner. As noted in the previous response, the specification contains data that indicates surprising results when a filter comprising a filter segment having a higher particulate removal efficiency proximal to the tobacco rod and ventilation holes positioned closer to the tobacco rod is used. Specifically, Examples 1 and 2 illustrate that surprisingly greater capacity for reducing certain volatile and semi-volatile mainstream smoke components results from the claimed configuration as opposed to the reverse configuration. It does not appear that the Examiner is giving proper weight to these results since both pending rejections are based on obviousness, and the Examiner has not commented on the surprising results set forth in the specification. In any event, as explained above, Applicants believe the application is in condition for allowance and that all claims are free of the art, even without reliance on surprising results.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper.

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Amdt. dated July 14, 2006
Reply to Office Action of March 14, 2006

However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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